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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/509,761 | 09/30/2004 | Shinishi Haneda | 015275-085 | 4387 |

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EXAMINER

PAPE, JOSEPH

ART UNIT PAPER NUMBER

3612

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/509,761 | Applicant(s) HANEDA ET AL. | |
| | Examiner Joseph D. Pape | Art Unit 3612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/30/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because on line 6, "aprojectedpart" should be changed to –a projected part–. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, the phrase "comprising a bumper structure" is redundant and confusing. On line 3, it is unclear whether or not "vehicle body" is related to the "vehicle" mentioned on line 2. On line 5, "side" has no clear antecedent basis. On line 6, "inner and outer side ribs" has no clear antecedent basis. On lines 6-7, the recitation of "an angle of inclination diverging to a front side" is vague and indefinite because it is unclear to what "front side" refers. On lines 7-8, the recitation of "a projected portion projected to an inner side" is vague and indefinite because it is unclear to what "inner side" refers. On line 8, the phrase "width direction of the front wall portion" is unclear in that such phrase appears to be referring to the thickness of the front wall rather than the

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—dimension of the front wall portion in the width direction of the vehicle—as is believed to be intended. This is also true for the phrase “width direction of the rear wall portion” on the last two lines.

In claim 2, the phrase “a single one of the projected portion” is awkward and unclear. Also, the phrase “on a side of the bumper reinforcement of inner side rib” is vague and indefinite making it unclear where the projected portion is located.

In claim 3, it is not exactly clear what feature(s) of the projected portion defines the “opening angle”. Note that the reference character for this opening angle must be placed in parenthesis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 and 5-6, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference 2002-12104 in view of the Japanese reference 11-208393.

The Japanese reference '104 discloses the claimed invention including bumper reinforcement 2, an extruded hollow stay section 20 made of aluminum alloy, side member 6, front wall portion 21 and rear wall portion 24 and ribs 23, 28, 22. The outer rib 23 and inner rib 22 diverging toward a front side of the stay. The length of the front wall between inner and outer ribs 22 and 23 being longer than the length of the rear wall between the inner and outer ribs 22 and 23. Reference Figure 2.

The Japanese reference '104 does not disclose a projected portion on the inner side of the inner side rib.

The Japanese reference '393 discloses a stay member having an inner side rib with a projected portion 3g on the inner side (of the stay) of the inner side rib. Reference Figure 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the inner side rib of the Japanese reference '104 with a projected portion as taught by the Japanese reference '393 in order to enhance energy absorption by the stay member.

6. Claim 4, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference 2001-230556 in view of the Japanese reference 11-208393.

The Japanese reference '556 discloses the claimed invention including bumper reinforcement 30, steel plate stay 40, side member 50, front wall portion 43 and rear wall portions 47 and ribs 41, 42. The outer rib and inner rib diverging toward a front side of the stay. Reference Figure 2.

The Japanese reference '556 does not disclose a projected portion on the inner side of the inner side rib.

The Japanese reference '393 discloses a stay member having an inner side rib with a projected portion 3g on the inner side (of the stay) of the inner side rib. Reference Figure 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the inner side rib of the Japanese reference '556 with a projected portion as taught by the Japanese reference '393 in order to enhance energy absorption by the stay member.

Conclusion

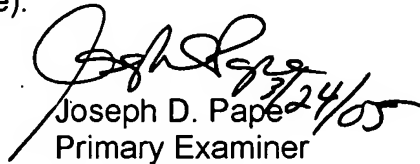
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-

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3426. The examiner can normally be reached on Mon. & Tues.-Fri. (6:00-4:30) with 2nd Thurs. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape
Primary Examiner
Art Unit 3612

Jdp

March 24, 2005